

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 8.

Attachment: Replacement sheet
 Annotated sheet showing changes

REMARKS

Claims 1, 3, 5-7, 9, 11-13, 15, and 17-19 are pending in the present application. Claims 2, 4, 8, 10, 14, and 16 have been cancelled. Claims 1, 7, 13, and 19 are independent.

35 U.S.C. §102(b) Nishino Rejection

Claims 1-19 have are rejected under 35 U.S.C. §102(b) as being anticipated by Nishino (USP 7,046, 287). This rejection, insofar as is pertains to the presently pending claims, is respectfully traversed.

Initially, Applicants note that Nishino does not qualify under §102(b) because its patent grant date (May 16, 2006) is not more than 1 year prior to the date of application in the U.S. (July 24, 2003). Nevertheless, Nishino does appear available under §102(e) because it was filed December 11, 2000 which is before the U.S. filing date of July 24, 2003. In order to expedite prosecution, applicants will assume that Nishino is being applied under 35 U.S.C. §102(e).

Nishino discloses a portable information terminal equipped with a camera. As discussed in Column 11, Lines 4-16 and Column 12, Lines 22-53 Nishino's device can be both opened and closed such that photography via camera 2 is possible in both open and closed states. In the closed state (Fig. 11C), the display 1C is driven with a mirror image version of the captured image such that it can be used as a view finder for taking pictures. The Examiner is also respectfully referred to Figs. 2A-C wherein the operation of Nishino's portable terminal is more apparent.

In contrast, the present invention is directed to a very different problem. More particularly, the present invention deals with a problem caused by camera that is inverted when the portable device is opened. Compare Figs. 3 and 4 of the present invention, particularly camera 21 and it is clear camera 21 assumes an inverted position when the portable device is manipulated from a folded state to an open state. In order to correctly display the image while the user holds the portable device in a constant position, the present invention vertically flips or

otherwise rotates the image by 180 degrees. The above amendments further specify the position of the photographing means or camera portion such it is clear that this photographing means or camera portion is provided on an outside surface of the second body wherein the photographing means (or camera portion) is substantially inverted when a portable device is manipulated from a folded state to an open state.

Noshino's camera 2 simply does not disclose or suggest the photographing means or camera proportion, particularly as recited in the amended independent claims. As shown in, for example, Figs. 2A-C and 3A-3B of Noshino, the camera 2 may rotate about the labeled axis but the camera 2 is certainly not inverted in the portable device when Noshino's portable information terminal is manipulated from a folded state to an open state. In otherwords, the structure function and operation of Noshino's portable information and terminal is completely different than that which is claimed in the present application.

As further recited in claims 1,7, and 13 the first display portion is provided on a surface hidden in the folded state while the second display portion is provided on a surface that is exposed externally in the both folded state and the open state. Noshino's structure has two display portions 1B and 1C both of which are hidden or otherwise encapsulated within the case in the folded state. Thus, Noshino certainly does not disclose or suggest a second display portion that is provided on a surface exposed externally in both the folded state and the open state as recited in claims 1, 7, and 13. This is particularly true when considered in combination with the more-specifically recited first display portion, which is provided on a surface hidden in a folded state. Thus, the amended independent claims 1, 7, and 13 require two display portions one of which is provided on a surface that is hidden in the folded state the other which is provided on a surface exposed externally in the folded state in both the folded state and the open state. Recall also that the second display portion displays the image in one of opposite directions corresponding to the folded state and the open state, respectfully. Furthermore, the preview image display means includes first preview display means for displaying the preview image on the first display portion and a second preview display means for displaying the preview image

rotated by 180 degrees on the second display portion in either the folded state or the open state for previewing.

This combination of features, particularly as recited in the amended independent claims, are simply not disclosed or suggested by Nishino. Indeed, Nishino's structure and operation are completely different than the present invention. Nishino is concerned with utilizing the camera 2 in both the open and closed states and thereby provides a rotatable camera 2. Nevertheless, this camera is not inverted and does not face the same problem as in the claimed portable device which substantially inverts the photographing means (or camera portion) when the portable device is manipulated from a folded state to an open state. Clearly, Nishino's camera 2 is not inverted when Nishino's device is open or closed. The camera 2 may rotate about the z axis but it is never substantially inverted between open and folded states as claimed. The amendments to the first and second display portions provide further context and a frame of reference as well as functionality simply not possible or even contemplated by Nishino.

For all of the above reasons, taken alone or in combination, Applicants respectfully request reconsideration and withdrawal.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata Reg. No. 39,491, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: October 5, 2006

Respectfully submitted,

By____/Michael R. Cammarata/_____
Michael R. Cammarata
Registration No.: 39,491
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachments